

### **Remarks/Arguments:**

Claims 1-8 stand rejected under 35 U.S.C. 103(a). Claim 7 has been amended. Claims 9-13 have been added. Claims 1-13 are currently pending in this application.

### **Amendments to the Claims**

Claim 7 has been amended to include the limitation that a portion of cards includes open-ended questions designed to stimulate group discussion, and has also been amended to provide proper antecedent basis. Support for new Claim 9 is found at page 13 of the specification, as filed, wherein it states that in one embodiment of the game, the game continues even after the first player has finished, and that an object of the game continuing is for players to continue to have open discussion regarding the subjects covered in the game. Support for new Claim 10 is found at page 12 of the specification, as filed, wherein it states that in playing the penalty area cards, the player will select a card and will read and follow the instructions, which generally consist of discussions and/or confessions regarding relationships, and allowing other players to participate. Support for new Claim 11 is found at page 5 of the specification, as filed, wherein it states that the present invention can be applied to a variety of relationships in a variety of settings, including social settings. Support for new Claim 12 is found at page 5 of the specification, as filed, wherein it states that the present invention can be

adapted to focus on many different relationships. Support for new Claim 13 is found at page 5 of the specification, as filed, wherein it is stated that the invention may be adapted to focus on relationships between men and women from the female perspective in personal and social settings. The amendments and new claims find support within the specification, add no new matter, and do not require any further searching by the Examiner.

#### **Rejection Under 35 U.S.C. §103(a)**

The Office Action has rejected Claims 1-8 under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 5,071,134 (hereinafter the '134 patent) to Burroughs, Jr. Specifically, the Office Action states that all of the limitations of Claims 1, 2, and 4-8 are disclosed by the '134 patent, and that it would be obvious to provide a container for the game. With respect to Claim 3, the Office Action states that completing a game action within a stipulated amount of time is indicated in the '134 patent, and it would be obvious to provide a timing device for such an action.

To establish a prima facie case of obviousness, all the claim limitations must be taught or suggested by the prior art. See *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). In the present Office Action, the '134 patent does not teach every limitation of independent Claim 1, and thus rejection of the claims is improper and should be withdrawn.

While the Office Action states that all limitations, except for the game container, are taught by the '134 patent, the Office Action apparently overlooks the limitation of Claim 1 wherein the second card set comprises personal questions directed to the player's personal life to initiate group discussion. See App. 10/755,934, Claim 1. As described in the detailed description, these cards require the player to confess or relate a personal experience, thereby initiating group discussion. See App. 10/755,934, page 9. The '134 patent discloses sets of cards containing either a question with multiple choice answers on one side thereof, or a penalty card relating to criminal penalties and having instructions for the player to move his/her game piece in a specified manner. See Col. 6, lines 5-8 and 26-33. Both the multiple choice cards and the instructional cards disclosed in the '134 patent are distinct and different from the personal questions of the present application. Furthermore, the open-ended personal questions of the present application do not have a "correct" answer found in an answer guide, instead requiring the personal discussion/confession based upon the instructions given on the card.

As described in the specification and new claim 10, the discussion cards are designed promote group discussions and/or confessions regarding relationships. Other players can participate in the group discussions, either by further questioning the player, or by adding their own answers to the question. See App. 10/755,934,

page 12. The group discussions are important in promoting the main object of the game, i.e. positive and healthy relationships and relationship skills through interactive play. See App. 10/755,934, pages 1, 18.

Because the '134 patent cited by the Office Action fails to disclose all of the limitations of Claim 1, as originally presented, rejection is improper and should be withdrawn. If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, rejection of dependent claims 2-6 is likewise improper and should be withdrawn.

With respect to the rejection of Claims 7-8 as being obvious in view of the '134 patent, Claim 7 has been amended wherein at least one of the sets of cards includes open-ended questions designed to facilitate and promote group discussions. As previously stated, the open ended question limitation is not present in the '134 patent cited as prior art in the Office Action. Claims 8-13 should be therefore allowed as depending from an allowable claim. Rejection of Claims 7-8 is improper and should be withdrawn, and Claims 7-13 should be allowed.

It is believed that the present arguments demonstrate there is no basis for a proper obviousness rejection under U.S.C. 103(a). The cited reference fails to teach all the limitations of independent Claims 1 and 7 of the present application, and fails to provide any motivation or suggestion to modify the prior art.

Applicant does not believe any fees are due at this time, however the Commissioner is authorized to charge any fees associated with this communication to deposit account 501285. If the Examiner has any questions or comments regarding this communication, the undersigned can be contacted to expedite the resolution of this application.

Respectfully submitted,

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